tate of California

# ir Political Practices Commission

P.O. BOX 807 · SACRAMENTO, 95804 · · · 1100 K STREET BUILDING, SACRAMENTO, 95814

(916) 322-5662

322-5660

322-5901

322-6441

Technical Assistance • • Administration • • Executive/Legal • • Enforcement • • Statements of Economic Interest 322-6444

December 21, 1984

Lloyd Stabiner D.W. Holding Co. 1114 Avenue of the Americas New York, N.Y. 10036

> RE: Campaign Disclosure Requirements of D.W. Holding Co. and its affiliates

Dear Mr. Stabiner:

Gloria Gillmore at the California Secretary of State's office, Political Reform Division, has referred the campaign disclosure statements filed by D.W. Holding Co. and six affiliated companies to this Commission. The Fair Political Practices Commission is responsible for administering and enforcing the campaign disclosure provisions of California's Political Reform Act.

The purpose of this letter is to clarify for you the campaign disclosure obligations of D.W. Holding Company and the six affiliated companies under California's Political Reform Act.

As I understand the facts, each of the seven companies made a contribution of \$5,000 to the California Reapportionment Committee (I.D. No. 841384). Each company filed a campaign disclosure statement (Form 461) reporting its \$5,000 contribution. Some of the campaign statements were filed after the October 24, 1984, filing deadline. Because of the late filings, you were notified by the Political Reform Division that the companies which filed late were subject to a late filing penalty. You then called the Political Reform Division and indicated to Ms. Gillmore that you had requested and received a \$1.00 refund from the California Reapportionment Committee for each of the companies and, therefore, you felt that no campaign disclosure statements were required to be filed.

The companies are still subject to the campaign disclosure provisions for the following reasons:

First, under the Political Reform Act, the affiliated companies are considered a single entity for campaign disclosure purposes and should file a single campaign statement. That is, contributions made by the companies must be aggregated for the purpose of determining whether the companies qualify as a

Lloyd Stabiner December 21, 1984 Page 2

"committee" under Gov. Code Section 81013(c), and for the purpose of filing campaign disclosure statements. The proper method of reporting the companies' contributions is to list the contributions made by each company on one campaign statement (Form 461), indicating on the campaign statement the name of the company which made each contribution. The "Name of Filer" on the campaign statement should indicate, "D.W. Holding Company and its affiliates (see attached list of affiliated companies)." An attachment to the campaign statement should list each company and its address. The "cumulative amount" of contributions to the California Reapportionment Committee is the total amount of contributions made by all of the companies.

Second, with regard to the refund of \$1.00 received by each company, receipt of the refund does not affect the companies' campaign disclosure obligations because:

- (1) Such a refund does not negate the fact that a contribution of \$5,000 was made. Gov. Code Section 84211(q) provides that, "A contribution need not be reported nor shall it be deemed accepted if it is not cashed, deposited or negotiated and it is returned to the contributor before the closing date of the campaign statement on which the contribution would otherwise be reported."
- (2) Even if each company actually contributed less than \$5,000 each, since the companies are required to aggregate their contributions and file a single campaign statement, the aggregate amount of contributions totaled \$5,000 or more. Therefore, the companies qualified as a "committee" and must file a statement.

We have determined that you may file an amended campaign disclosure statement reporting all of the contributions and, since some of the statements of the individual companies were filed on time, the corrected campaign statement will not be subject to a late fine. Please attach a letter to the Secretary of State and the other filing officers explaining that the corrected campaign statement replaces the individual statements filed for each company. Please note that the period covered by the statement should be January 1, 1984 through December 31, 1984. (By covering the entire calendar year, no additional campaign statements will be required for 1984.)

Lloyd Stabiner December 21, 1984 Page 3

Please call me if you have any questions.

Sincerely,

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Political Reform Consultant

JP:bb Enclosures

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EXPENDITURE AND MAJOR DONOR COMMITTEE CAMPAIGN STATEMENT (Government Code Section 84200-84217)

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OCT 3 0 1984

MARCH FONG EU, Secretary of State

For use by: (1) persons who have made expenditures or contributions totaling \$5,000 or more in a calendar year directly to or at the behest of candidates, officeholders or committees; or, (2) persons who have made independent expenditures on penalf of candidates, officeholders or ballot measures totaling \$500 or more in a calendar year

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### EXPENDITURE AND MAJOR DONOR COMMITTEE CAMPAIGN STATEMENT

(Government Code Section 84200-84217)

For use by: (1) persons who have made expenditures or contributions totaling \$5,000 or

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## EXPENDITURE AND MAJOR DONOR COMMITTEE CAMPAIGN STATEMENT

(Government Code Section 84200-84217)

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MARCH FONG EU, Secretary of State

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Form 461 1984

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In the office of the Secretary of State
of the State of California

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MARCH FORG EU, Secretary of States

OFFICIAL USE ONLY

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### EXPENDITURE AND MAJOR DONOR COMMITTEE CAMPAIGN STATEMENT

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(Government Code Section 84200-84217)

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For use by: (1) persons who have made expenditures or contributions totaling \$5,000 oAND FILED more in a calendar year directly to or at the behest of candidates, officeholders da backlice of the Secretary of Stone mittees; or, (2) persons who have made independent expenditures on behalf of candidated file Store of California

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Form 461 1984

## EXPENDITURE AND MAJOR DONOR COMMITTEE CAMPAIGN STATEMENT

(Government Code Section 84200-84217)

For use by: (1) persons who have made expenditures or contributions totaling \$5,000 or more in a calendar year directly to or at the behest of candidates, officeholders or committees; or, (2) persons who have made independent expenditures on behalf of candidates, officeholders or ballot measures totaling \$500 or more in a calendar year.

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### RECEIVED AND FILED

In the office of the Secretary of State of the State of California

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### EXPENDITURE AND MAJOR DUNCH TO COMMITTEE CAMPAIGN STATEMENT

(Government Code Section 84200-84217)

For use by: (1) persons who have made expenditures or contributions totaling \$5,000 or more in a calendar year directly to or at the behest of candidates, officeholders or committees; or, (2) persons who have made independent expenditures on behalf of candidates, officeholders or ballot measures totaling \$500 or more in a calendar year.

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